

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
HUGH DUNKERLEY,	:	
	:	S2 16 Cr. 371 (RA)
Defendant.	:	
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WHEREAS, on or about July 20, 2018, HUGH DUNKERLEY (the “Defendant”), was charged in a five-count superseding Information, S2 16 Cr. 371 (RA) (the “Information”), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j (b) & 78ff; Title 17, Code of Federal Regulations, Section 240. 10b-5; and Title 18, United States Code, Section 2 (Count Two and Three); and bankruptcy fraud, in violation of Title 18, United States Code, Section 157 (Count Four); and falsification of records to obstruct a government investigation, in violation of Title 18, United States Code, Section 1519 (Count Five);

WHEREAS, the Information included a forfeiture allegation as to Count One through Three of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, any property, real or personal, that constitutes or is derived from proceed traceable to the commission of the offense alleged in Counts One through Three of the Information;

WHEREAS, on or about July 20, 2018, the Defendant pled guilty to Count One through Five of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One through Three of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code,

Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, any and all property, real or personal, that constitutes or is derived from the commission of the offenses alleged in Counts One through Three of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$43,427,436 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One through Three of Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with his co-defendants, Jason Galanis, John Galanis, Gary Hirst, Bevan Cooney, and Michelle Morton's (the "Co-defendants") and the forfeiture money judgments entered against them in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Three of the Information, that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Negar Tekeei of counsel, and the Defendant, and his counsel, Joseph Grob, Esq., that:

1. As a result of the offenses charged in Counts One through Three of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$43,427,436 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One though Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-Defendants and the forfeiture money judgments entered against them in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, HUGH DUNKERLEY, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.


6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:  _____ 5/30/2023
NEGAR TEKEEI
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2482
DATE

HUGH DUNKERLEY

By: _____
HUGH DUNKERLEY
DATE

By: _____
AVRAHAM MOSKOWITZ, ESQ.
Moskowitz Colson Ginsberg & Schulman
80 Broad Street, Suite 1900
New York, NY 10004
Attorney for Defendant
DATE

SO ORDERED:

 _____ May 31, 2023
HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE
DATE

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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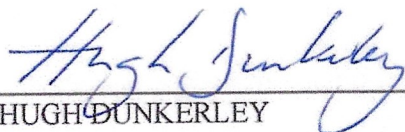
AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

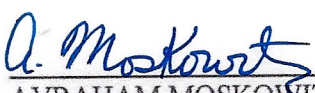
By: _____
NEGAR TEKEEI
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2482

DATE

HUGH DUNKERLEY

By: 
HUGH DUNKERLEY

May 3 2023
DATE

By: 
AVRAHAM MOSKOWITZ, ESQ.
Moskowitz Colson Ginsberg & Schulman
80 Broad Street, Suite 1900
New York, NY 10004
Attorney for Defendant

5/3/23
DATE